

REMARKS

Claims 1-62 were previously canceled. Claims 63, 72, and 73 are amended herein. Claims 63-82 are presently pending. No new matter has been added. Support for amendments made herein can be found throughout the originally-filed disclosure.

In the pending final Office Action, claims 63-82 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,203,011 to Nulph in view of U.S. Patent No. 6,305,687 to Pollock et al. Applicants respectfully traverse the rejection for the following reasons.

To establish prima facie obviousness, the references must teach or suggest every limitation of the claims. Independent claim 63, as amended, recites: "one or more wagering entries, each entry comprising a randomly selected subset of a predetermined range of numbers used in a lottery of interest, wherein the randomly selected subset of numbers includes less than a full range of numbers, the set of numbers corresponding to a format of a predetermined lottery."

Independent claims 72 recites: "generating a randomly selected subset of a predetermined range of numbers used in a lottery of interest, wherein the randomly selected subset of numbers includes less than a full range of numbers, the randomly selected subset of numbers corresponding to a format of a predetermined lottery."

The Examiner alleges that Nulph teaches "randomly generated numbers corresponding to a format of a predetermined lottery" in its disclosure of tickets having plural play spots wherein each play spot has a value selected from a set of values distributed randomly on the tickets, and wherein the play spots can be lottery play numbers generated by the controlling authority. Nulph's play spots, however, provide a

random *distribution* of an entire set predetermined numbers for a given lottery (i.e., all of the lottery play numbers generated by a controlling authority, not a subset thereof), rather than random *generation* of a subset of numbers. While the Examiner is to give claim terms their broadest reasonable interpretation, Applicants remind the Examiner that the interpretation must be reasonable. Interpreting random *generation* of numbers so broadly as to include a random *distribution* of numbers is not reasonable. However, in an effort to expedite allowance of the pending claims, Applicants have amended claims 63 and 72 to further define random generation over the subject matter of Nulph by including generation of a randomly selected subset of a predetermined range of numbers used in a lottery of interest, wherein the randomly selected subset of numbers includes less than the full range of numbers.

Nulph does not teach or suggest randomly generated numbers on its card, let alone generating a randomly selected subset of a predetermined range of numbers used in a lottery of interest, wherein the randomly selected subset of numbers includes less than the full range of numbers.

As set forth in Applicants' previous response, Nulph only discloses play spots 420 in the embodiment of FIG. 4. Nulph's play spots are not randomly generated numbers and are not selected by the purchaser.

Further, Nulph's card requires that the purchaser activate (and play) the card on a single date, rather than allowing wagering entries to be played on more than one date. According to Nulph, at column 4, lines 39-48, the user selects numbers to play and a "controlling authority" transmits data to the user including instructions on how to modify the card so that it will reflect the user's selected play numbers. The database

containing card information is then updated with the user's selected play numbers. Column 5, lines 33-37 state that the controlling authority receives data from the user which can include an indication of which lottery numbers the user wants to play and the play date. Column 5, lines 42-48 then state that after the controlling authority receives the information, it indicates to the user which play spots should be uncovered (i.e., which play spots to uncover to expose the chosen lottery play numbers and the date that the ticket is to be played. This process is also described at column 5, lines 20-31.

Although the word "randomly" appears at line 27 of column 6, it refers only to the fact that the play spots are randomly distributed from ticket to ticket so that a user can't tell where the play spots are on a given ticket based on knowledge of the location of play spots on other tickets. Nulph simply does not contemplate a card with randomly generated numbers unknown to the purchaser when the card is purchased – while the purchaser may not know the location of each number on the card, the purchaser knows which numbers are on the card. Nulph also does not teach a user being able to purchase a card without choosing a play date.

Pollock et al. does not cure the deficiencies of Nulph. Pollock does not disclose the claimed generation of a randomly selected subset of a predetermined range of numbers used in a lottery of interest, wherein the randomly selected subset of numbers includes less than the full range of numbers.

For the reasons set forth above, prima facie obviousness has not been established and the rejection of independent claims 63 and 72 has been overcome and must be withdrawn. Claims 64-71 depend directly or indirectly from claim 63 and are

therefore allowable for at least the same reasons. Claims 73-82 depend directly or indirectly from claim 72 and are therefore allowable for at least the same reasons.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request entry of this Amendment and timely allowance of the pending claims.

Please grant any extensions of time required to enter this Amendment and charge any additional required fees to Deposit Account No. 50-4126.

Respectfully submitted,

O'BRIEN JONES, PLLC

Dated: May 5, 2010

By: /Jill DeMello Hill, Reg. No. 42,477/
Jill DeMello Hill
Reg. No. 42,477